# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAUTILUS INSURANCE COMPANY

.

Plaintiff,

.

 $V_{\bullet}$ 

CIVIL ACTION

MOTEL MANAGEMENT SERVICES, INC.

d/b/a NESHAMINY INN and

NO. 20-CV-00289

THE MARY ETZRODT REAL ESTATE TRUST and

NI45, LLC

and

E.B.

Defendants.

.

### **NOTICE OF APPEAL**

Notice is hereby given that defendants Motel Management Services, Inc. d/b/a

Neshaminy Inn, The Mary Etzrodt Real Estate Trust and NI45, LLC hereby appeal to the United

States Court of Appeals for the Third Circuit from the Order of the District Court entered in this
action on July 27, 2021 (which Order granted the Motion for Judgment on the Pleadings of
Plaintiff, Nautilus Insurance Company, denied the Motion for Judgment on the Pleadings of
defendants Motel Management Services, Inc. d/b/a Neshaminy Inn, The Mary Etzrodt Real

Estate Trust and NI45, LLC, and entered judgment in favor of Nautilus Insurance Company). A copy of the Order is attached hereto.

Respectfully submitted,

Date: August 24, 2021

/s/ Jeffrey R. Lerman

Jeffrey R. Lerman, Esquire
jlerman@mmwr.com
Glenn F. Rosenblum, Esquire
grosenblum@mmwr.com
Montgomery, McCracken, Walker & Rhoads, LLP
1735 Market Street, 19<sup>th</sup> Floor
Philadelphia, PA 19103
(215) 772-1500 (telephone)
(215) 772-7620 (facsimile)

Attorneys for Defendants Appellants Motel Management Services, Inc. d/b/a Neshaminy Inn, The Mary Etzrodt Real Estate Trust and NI45, LLC Case 2:20-cv-00289-PBT Document 46 Filed 08/24/21 Page 3 of 4

Case 2:20-cv-00289-PBT Document 45 Filed 07/27/21 Page 1 of 1

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAUTILUS INSURANCE COMPANY,

.

Plaintiff, CIVIL ACTION

v. : NO. 20-289

MOTEL MANAGEMENT SERVICES, INC. d/b/a NESHAMINY INN, et al.,

Defendants.

#### **ORDER**

AND NOW, this \_\_27th\_\_ day of July 2021, upon consideration of the Motions for Judgment on the Pleadings from Plaintiff Nautilus Insurance Company (ECF 27) and the Insured Defendants (ECF 28), and the associated responses in opposition (ECFs 31 and 32), IT IS

HEREBY ORDERED AND DECREED that Nautilus Insurance's Motion is GRANTED and the Insured Defendants' Motion is DENIED.<sup>1</sup>

Judgment is entered in favor of Nautilus Insurance Company, declaring that it owes no duty to defend or indemnify Motel Management Services, Inc. d/b/a Neshaminy Inn, The Mary Etzrodt Real Estate Trust and NI45, LLC in the underlying matter of *E.B. v. Motel 6 Operating L.P et al.* in the Philadelphia Court of Common Pleas, No. 1705-0487.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

<sup>&</sup>lt;sup>1</sup> This Order accompanies the Court's Memorandum Opinion dated July 27, 2021.

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 24, 2021, one true and correct copy of the foregoing

Notice of Appeal will be served via the court's electronic filing system upon:

Anthony L. Miscioscia, Esquire Justin K. Fortescue, Esquire Timothy A. Carroll, Esquire White & Williams LLP 1650 Market Street, Suite 1800 Philadelphia, PA 19103

Nadeem A. Bezar, Esquire Emily B. Marks, Esquire Kline & Specter, P.C. 1525 Locust Street Philadelphia, PA 19102

Date: August 24, 2021 /s/ Glenn F. Rosenblum Glenn F. Rosenblum